

JUL 26 2018

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

Y.

No. S1-4:18-cr-00264-RWS-PLC

ZACHARY KYLE HAMBY,  
and HEATHER MCDORMAN,

**Defendants.**

**SUPERCEDING INDICTMENT**

**COUNT I**

**The Grand Jury charges that:**

**At all times pertinent to the charges in this indictment:**

1. Federal law defined the term:

- (a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(a));
- (b) "sexually explicit conduct" to mean actual or simulated
  - (i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex,
  - (ii) bestiality,
  - (iii) masturbation,
  - (iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C. §2256(2)(A)); and

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6));

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Between on or about February 1, 2018, and on or about March 12, 2018, in the Eastern District of Missouri, and elsewhere,

**ZACHARY K. HAMBY AND HEATHER MCDORMAN,**

the Defendants, while aiding and abetting each other, herein, did knowingly employ, use,

persuade, induce, entice, and coerce a minor, I.M., to engage in sexually explicit conduct, specifically, **ZACHARY K. HAMBY AND HEATHER MCDORMAN** produced a live streaming video of I.M.'s anus being penetrated and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: a live streaming video of I.M.'s anus being penetrated, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., cell phones.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

## COUNT II

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about February 1, 2018, and on or about March 12, 2018, in the Eastern District of Missouri, and elsewhere,

### **ZACHARY K. HAMBY AND HEATHER MCDORMAN,**

the Defendants, while aiding and abetting each other, herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, T.Z., to engage in sexually explicit conduct, specifically, **ZACHARY K. HAMBY AND HEATHER MCDORMAN** produced images of T.Z. in a lascivious display of her genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: images of T.Z. in a lascivious display of her genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., cell phones.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title

18, United States Code, Section 2251(e).

### COUNT III

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about February 1, 2018, and on or about March 12, 2018, in the Eastern District of Missouri, and elsewhere,

#### **ZACHARY K. HAMBY AND HEATHER MCDORMAN,**

the Defendants, while aiding and abetting each other, herein, did knowingly attempt to employ, use, persuade, induce, entice, and coerce a minor, A.M., to engage in sexually explicit conduct, specifically, **ZACHARY K. HAMBY AND HEATHER MCDORMAN** attempted to produce images of A.M. in a lascivious display of her genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: images of A.M. in a lascivious display of her genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., cell phones.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

### COUNT IV

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about February 1, 2018, and on or about March 12, 2018, in the Eastern District of Missouri, and elsewhere,

**ZACHARY K. HAMBY AND HEATHER MCDORMAN,**

the Defendants, while aiding and abetting each other, herein, did knowingly attempt to employ, use, persuade, induce, entice, and coerce a minor, K.M., to engage in sexually explicit conduct, specifically, **ZACHARY K. HAMBY AND HEATHER MCDORMAN** attempted to produce images of K.M. in a lascivious display of her genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: images of K.M. in a lascivious display of her genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., cell phones.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

**COUNT V**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about February 1, 2018, and on or about March 12, 2018, in the Eastern District of Missouri, and elsewhere,

**ZACHARY K. HAMBY AND HEATHER MCDORMAN,**

the Defendants herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, I.M., to engage in sexually explicit conduct, specifically, **ZACHARY K. HAMBY AND HEATHER MCDORMAN**, produced images of I.M. in a lascivious display of his genitals while bound, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: images of I.M. in a lascivious display of his genitals while bound, and such depictions were produced using materials that had been mailed, shipped, or



transported in interstate and foreign commerce, i.e., a cell phone.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

### **COUNT VI**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about March 1, 2018, and on or about March 3, 2018, in the Eastern District of Missouri, and elsewhere,

#### **HEATHER MCDORMAN,**

the Defendants herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, I.M., to engage in sexually explicit conduct, specifically, **HEATHER MCDORMAN**, produced images of I.M. in a lascivious display of his genitals while at a McDonald's Restaurant, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: images of I.M. in a lascivious display of his genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a cell phone.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

### **COUNT VII**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about March 1, 2018, and on or about March 3, 2018, in the Eastern District of Missouri, and elsewhere,

**ZACHARY K. HAMBY AND HEATHER MCDORMAN,**

the Defendants herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, I.M., to engage in sexually explicit conduct, specifically, **ZACHARY K. HAMBY AND HEATHER MCDORMAN**, produced images of I.M. in a lascivious display of his genitals while at Mercy Hospital, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: images of I.M. in a lascivious display of his genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a cell phone.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

A TRUE BILL.

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FOREPERSON

JEFFREY B. JENSEN  
United States Attorney

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COLLEEN C. LANG, #56872MO  
Assistant United States Attorney